

REMARKS

Claims 1, 17, 18 and 31 are amended to better describe the claimed subject matter. Claims 1-35 remain pending in this application. Applicant has reviewed the Office Action mailed on December 17, 2003 and provides the following detailed responses to the rejections:

§102 Rejection of the Claims

Claims 31-32

Claims 31-32 were rejected under 35 USC § 102(e) as being anticipated by Solondz (U.S. Patent No. 6,192,248).

Applicant amended claim 31 to better describe the recited subject matter. The rejection of claim 31 is respectfully traversed. It is respectfully submitted that the cited portion of Solondz fails to provide, among other things, offering to provide commercial wireless carrier services to the potential cellular telephone subscriber at a third usage rate for the second cellular telephone for a telephone call between the first cellular telephone and the second cellular telephone, as recited in claim 31.

Dependent claim 32 is believed to be allowable, as well, at least for the reasons presented above for claim 31. The reasons provided above are incorporated herein by reference to support the patentability of dependent claim 32.

Reconsideration and allowance of claims 31-32 are respectfully requested.

Dependent Claims 33-34

Claims 33-34 were rejected under 35 USC § 102(e) as being anticipated by Solondz (U.S. Patent No. 6,192,248) in view of Dennis (U.S. Patent No. 6,542,733).

Applicant respectfully submits that the rejection as stated does not make sense, since neither reference teaches the recited subject matter of claims 33-34. If a rejection under 35 USC § 103 was intended, Applicant respectfully traverses such rejection at least for the reasons presented above for claim 31. That is, the combination of the references fails to provide the recited subject matter. The reasons provided above are incorporated herein by reference to support the patentability of dependent claims 33-34.

Applicant generally traverses the assertion of things that would be obvious to one of ordinary skill in the art at the time of invention and requests withdrawal of the rejection or clarification of the rejection before further addressing the assertion..

Reconsideration and allowance of claims 33-34 are respectfully requested.

§103 Rejection of the Claims

Claims 1-2, 11-16, and 35 were rejected under 35 USC § 103(a) as being unpatentable over Atkins et al. (U.S. Patent No. 5,487,108 ("Atkins")) in view of Bertocci et al. (U.S. Patent No. 6,148,213 ("Bertocci")).

Claims 1-2 and 11-16

Applicant amended claim 1 to better describe the recited subject matter. Applicant respectfully traverses the rejection of claim 1 as recited. It is respectfully submitted that the cited portions of the cited references fail to provide or suggest the program accessible to the processor and having instructions adapted for causing the processor to generate a signal upon the transceiver detecting an incoming telephone call from at least one of the one or more authorized telephone callers and adapted for not generating the signal upon detection of an incoming telephone call from a caller that is not at least one of the one or more authorized telephone callers, as recited in claim 1. It is believed that the third button of Bartocci referenced in the Office Action does not provide the recited apparatus. Furthermore, Applicant is unable to find in the cited portions of the cited references, among other things, the first memory and second memory, as recited by claim 1.

Dependent claims 2 and 11-16 are believed to be patentable for at least the reasons provided for claim 1 above, and the traversal of the rejection of claim 1 is repeated herein to support the patentability of dependent claims 2 and 11-16.

Applicant respectfully requests reconsideration and allowance of claims 1-2 and 11-16.

Claim 35

Applicant also respectfully traverses the rejection of claim 35, as it is believed that the cited portions of the cited references as combined in the rejection fail to provide, among other

things, apparatus as recited and that render a telephone call unanswerable upon detecting the incoming telephone call from a number disparate from the authorized telephone number, as recited by claim 35.

Reconsideration and allowance of claim 35 are respectfully requested.

Claims 3-5

Claims 3-5 were rejected under 35 USC § 103(a) as being unpatentable over Atkins in view of Bertocci and further in view of Yokey et al. (U.S. Patent No. 5,583,517, ("Yokey")).

Applicant respectfully repeats the traversal and respectfully submits that the deficiencies in Atkins and Bertocci discussed above are not overcome by combination with the cited portions of Yokey.

Reconsideration and allowance of claims 3-5 are respectfully requested.

Claims 6-10

Claims 6-10 were rejected under 35 USC § 103(a) as being unpatentable over Atkins in view of Bertocci and further in view of Haartsen (U.S. Publication 2002/0075940).

Applicant respectfully repeats the traversal and respectfully submits that the deficiencies in Atkins and Bertocci discussed above are not overcome by combination with the cited portions of Haartsen.

Reconsideration and allowance of claims 6-10 are respectfully requested.

Claim 17

Claim 17 was rejected under 35 USC § 103(a) as being unpatentable over Atkins et al. in view of Bertocci et al. and further in view of Shnier (U.S. Publication 2002/00009184).

Applicant respectfully repeats the traversal and respectfully submits that the deficiencies in Atkins and Bertocci discussed above are not overcome by combination with the cited portions of Shnier.

Reconsideration and allowance of claim 17 are respectfully requested.

Claims 18, 23-26 and 28-30

Claims 18, 23-26, and 28-30 were rejected under 35 USC § 103(a) as being unpatentable over Dennis in view of Amin (U.S. Patent No. 6,567,671).

Applicant amended claim 18 to better describe the recited subject matter. Applicant respectfully traverses the rejection of claim 18 on several grounds. Applicant is unable to find in the cited portions of the cited references a teaching of wirelessly transmitting the digital data stream from the transmitter to the cellular telephone, the digital data stream including information for programming the cellular telephone for at least limiting telephone calls received by the cellular telephone and limiting telephone calls made by the cellular telephone, as recited by claim 18. Furthermore, Applicant respectfully submits that the references teach away from each other. For instance, it is believed that Dennis relates to storage of personal profile information at service control point 112 or database 113. Dennis, Col. 4, lines 59-60. In contrast, Amin relates to a screening list transmitted to a message center which sends the updated screening list to the cellular telephone via wireless communication. Amin, Abstract. Thus, it is respectfully submitted that the rejection is traversed.

Reconsideration and allowance of claim 18 are respectfully requested.

Applicant traverses the rejection of claims 23-26 and 28-30 and incorporates by reference at least the discussion above for claim 18 in supporting the patentability of dependent claims 23-26 and 28-30.

Reconsideration and allowance of claims 23-26 and 28-30 are respectfully requested.

Claims 19, 20 and 22

Claims 19, 20, and 22 were rejected under 35 USC § 103(a) as being unpatentable over Dennis in view of Amin and further in view of Tabeta (U.S. Patent No. 6,085,079).

Applicant respectfully repeats the traversal and respectfully submits that the deficiencies in Dennis and Amin discussed above are not overcome by combination with the cited portions of Tabeta.

Reconsideration and allowance of claims 19, 20, and 22 are respectfully requested.

Claim 21

Claim 21 was rejected under 35 USC § 103(a) as being unpatentable over Dennis in view of Amin and further in view of Yokev.

Applicant respectfully repeats the traversal and respectfully submits that the deficiencies in Dennis and Amin discussed above are not overcome by combination with the cited portions of Yokev.

Reconsideration and allowance of claim 21 are respectfully requested.

Claim 27

Claim 27 were rejected under 35 USC § 103(a) as being unpatentable over Dennis in view of Amin and further in view of Hansson (U.S. Patent No. 6,023,620).

Applicant respectfully repeats the traversal and respectfully submits that the deficiencies in Dennis and Amin discussed above are not overcome by combination with the cited portions of Hansson.

Reconsideration and allowance of claim 27 are respectfully requested.

Timely Traversal of Assertions of Things Known to One of Skill in the Art

Applicant generally traverses the numerous assertion of things "known to one of skill in the art" as a form of Official Notice and requests a reference to support such assertions pursuant to MPEP 2144.03, or their withdrawal in the next official communication.

Reservation of the Right to Swear Behind References

Applicant maintains its right to swear behind any references which are cited in a rejection under 35 U.S.C. §§102(a), 102(e), 103/102(a), and 103/102(e). Statements distinguishing the claimed subject matter over the cited references are not to be interpreted as admissions that the references are prior art.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6912 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

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Date

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By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 19th day of April, 2004.

Timothy E. Bianchi

Name

[Signature]

Signature